

**IN THE DISTRICT COURT OF THE UNITED STATES
FOR THE MIDDLE DISTRICT OF ALABAMA
NORTHERN DIVISION**

UNITED STATES OF AMERICA

v.

SEBASTIAN K. SMITH, JR.

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CR. NO. 2:06-CR-205-WHA

**United States's Motion for Downward Departure
for Acceptance of Responsibility and for Substantial Assistance**

The United States moves this Court to reduce Sebastian Smith's offense level by one-level based on Smith's acceptance of responsibility and three additional levels based upon his substantial assistance in this case. As grounds for this Motion, the United States notes:

1. Soon after the August 24, 2006 arraignment in this case, Smith's counsel contacted the United States Attorney's Office to indicate that Smith would like to cooperate with the Government and plead guilty.

2. This was sufficiently early to permit the Government to avoid preparing for trial and to allocate its resources efficiently.

3. Therefore, under United States Sentencing Guidelines § 3E1.1(b), the United States makes this formal request for a one-level reduction in Smith's offense level for acceptance of responsibility so that he shall receive a total reduction for acceptance of responsibility of three-levels.

4. During Smith's cooperation, Smith also agreed to testify against his co-defendant and friend Courtney Flowers. Smith's testimony would have been critical to establish Flowers's involvement in the case. The United States submits that Smith has, at all

times, been truthful with federal investigators. As part of the plea agreement, Smith has waived his right to appeal and/or collaterally attack the sentence imposed in this case. Therefore, United States asks this Court to depart an additional three-levels under Guideline § 5K1.1 based upon Smith's substantial assistance.

Respectfully submitted this the 29th day of January, 2006.

LEURA G. CANARY
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CERTIFICATE OF SERVICE

I hereby certify that on January 29, 2006, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system, which will send notification of such filing to all attorneys of record.

/s/ Christopher Snyder
CHRISTOPHER A. SNYDER
Assistant United States Attorney